



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

of the landowners, the injury not depending on the use of the property, and the landowners were not under obligation to bring successive actions for each successively accruing overflow and damage, but could recover entire future damages to land and crops, as well as past damages, in a single action.

**5. Evidence (§ 497\*)—Opinion Testimony as to Diminution in Value of Lands through Overflows Proper.**—In an action against a railroad for accrued and future damages to plaintiffs' lands from overflows caused and to be caused by a culvert carrying the railroad's track across a river, though the extent of the injurious effect of the culvert on the value of plaintiffs' lands was a matter of opinion, opinion testimony on such matter was properly allowed to go to the jury, in view of the necessities of the case.

[Ed. Note.—For other cases, see '13 Va.-W. Va. Enc. Dig. 680.]

Error to Circuit Court, Albemarle County.

Actions, heard and determined together, by C. B. White and Ella N. Bowden against the Southern Railway Company and Walker D. Hines, Federal Director General of Railroads. To review judgments for plaintiffs, defendants bring error. Affirmed.

*W. Allan Perkins* and *Geo. E. Walker*, both of Charlottesville, for plaintiffs in error.

*G. M. McNutt*, of Charlottesville, for defendants in error.

---

TOWN OF NARROWS *v.* BOARD OF SUP'RS OF GILES  
COUNTY et al.

Nov. 18, 1920.

[105 S. E. 82.]

**1. Municipal Corporations (§ 962\*)—Town by Charter Empowered to Tax for Improvement of Streets in Addition to Receiving District Road Taxes.**—Under Acts 1914, c. 327 (Narrows Town Charter) § 26, the towns may tax its inhabitants for improvement of its streets in addition to the three-fourths of district road taxes which it is entitled to receive under sections 27, but cannot levy an additional road tax for any other purpose.

[Ed. Note.—For other cases, see 10 Va.-W. Va. Enc. Dig. 227.]

**2. Highways (§ 126\*)—Inhabitants of Towns Subject to All County and District Road Taxes.**—The inhabitants of an incorporated town are subject to all the county or district road taxes to which the inhabitants outside of the town are subject.

**3. Highways (§ 90\*)—Legislature Can Create Separate Road Districts of Magisterial Districts of County.**—The legislature has power

---

\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

to create separate road districts of the magisterial districts of a county for local purposes.

[Ed. Note.—For other cases, see 10 Va.-W. Va. Enc. Dig. 222.]

**4. Highways (§ 122\*)—Provision of Charter that Town Shall Collect Three-Fourths of Road Taxes within Legislative Authority.**—Acts 1914, c. 327 (Narrows Town Charter) § 27, giving the town the right to collect three-fourths of all road taxes levied by the county on the inhabitants of the town, which shall be expended within the limits of the corporation in the streets and roads therein under the direction and supervision of the council, held within the power of the Legislature, and not in conflict with Const. 1902, § 168, as to uniform taxation, not going as far as fully might have been done had it made a separate road district of the town; it being immaterial that there may be streets or roads in the town which are not county roads, on which the town authorities may use some or all of the taxes so assigned.

[Ed. Note.—For other cases, see 10 Va.-W. Va. Enc. Dig. 222.]

**5. Statutes (§ 120 (5)\*)—Act Constituting New Charter of Town Not Violative of Constitutional Provision as to Subject and Title.**—Acts 1914, c. 327, entitled "An act to provide a new charter for the town of Narrows, Virginia, and to repeal all other acts or parts of acts in conflict therewith," held not violative of Const. 1902, § 52, declaring no law shall embrace more than one subject, which shall be expressed in its title; the provision of section 27 that 75 per cent. of road taxes on the persons and property of the town shall be paid to it for improvement of its streets and roads being clearly within the title.

[Ed. Note.—For other cases, see 12 Va.-W. Va. Enc. Dig. 750.]

**6. Statutes (§ 109\*)—Title of Amendatory Act Sufficient to Cover Everything that Might Have Been Covered by Original Act.**—If the title of an original act was sufficient under Const. 1902, § 52, title of an amendatory act is also sufficient to cover everything that might have been covered by the original act, however defective the title of the amendatory act is otherwise; it being entitled "An act to amend and re-enact" the original act.

[Ed. Note.—For other cases, see 12 Va.-W. Va. Enc. Dig. 754.]

**7. Statutes (§ 61\*)—Act Will Not Be Declared Unconstitutional on Account of Title, unless Plainly So.**—If there is doubt as to the sufficiency of the title of an act under Const. 1902, § 52, the doubt must be resolved in favor of its sufficiency, as courts will not declare an act of the Legislature unconstitutional unless it is plainly so.

[Ed. Note.—For other cases, see 12 Va.-W. Va. Enc. Dig. 751.]

**8. Statutes (§ 109\*)—Generality of Title Not a Valid Objection.**—Subject to the limitations that the title of a statute, under Const. 1902, § 52, must not be made a cover for surreptitious or incongruous

---

\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

legislation, nor be such as to mislead the legislature or people, but should be such as to fairly state the general subject covered by act, the generality of the title is not a valid objection to it.

[Ed. Note.—For other cases, see 12 Va.-W. Va. Enc. Dig. 751.]

**9. Statutes (§ 90 (2)\*)—Right to Create Differences between Town Charter and General Law Held within Legislative Power.**—The right to create differences between a town charter and general law in respect of the time for holding a town election, etc., was within the legislative power, provided the charter was enacted in the manner prescribed by Const. 1902, art. 4, and by the vote required by section 117.

**10. Evidence (§ 31\*)—Statutes (§ 61\*)—Courts Will Take Judicial Notice of Acts Incorporating Municipalities; Act Incorporating Municipality Presumed Valid Special Legislation.**—In the absence of evidence to the contrary, the fact that a town's charter was passed as special legislation in certain respects in the manner and by the vote required by Const. 1902, § 117, was sufficiently shown by the published act of incorporation, acts in incorporating municipalities being public acts, whether so declared or not, so that courts will take judicial notice of them; and such an act, duly published by authority of the state as a valid law, is *prima facie* presumed to have met all requirements as to its enactment.

[Ed. Note.—For other cases, see 11 Va.-W. Va. Enc. Dig. 336.]

**11. Statutes (§ 90 (1)\*)—Special Act, Taking in New Territory and Inhabitants, Invalid.**—So much of Acts 1914, c. 327, Narrows Town Charter, § 1, as embraces new territory and inhabitants, held violative of Const. 1902, § 126, requiring the General Assembly to provide by general law for the extension and contraction from time to time of the corporate limits of towns, and invalidating any special act for such purpose, and therefore null and void.

[Ed. Note.—For other cases, see 10 Va.-W. Va. Enc. Dig. 163.]

**12. Statutes (§ 64 (4)\*)—Invalid Part of Town Charter Eliminated.**—Invalid part of Acts 1914, c. 327 (Narrows Town Charter) § 1, embracing new territory and the inhabitants thereof, being readily separable from the residue of the charter, complete in itself, will be stricken out.

Sims and Prentis, JJ., dissenting.

[Ed. Note.—For other cases, see 10 Va.-W. Va. Enc. Dig. 163.]

Appeal from Circuit Court, Giles County.

Suit by the Town of Narrows against the Board of Supervisors of Giles County and others. From a decree dismissing the bill, plaintiff appeals. Reversed.

*W. B. Snidow*, of Pearisburg, for appellant.

*M. P. Farrier*, of Pearisburg, for appellees.

---

\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.